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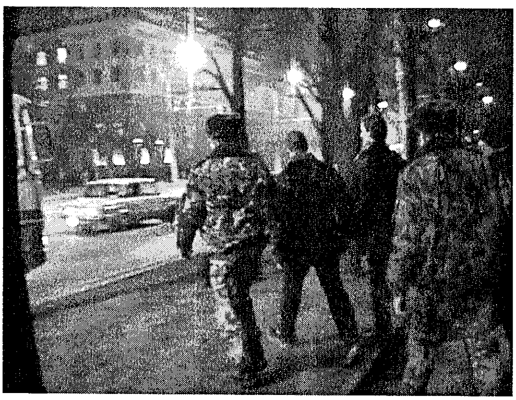
The Right to Freedom

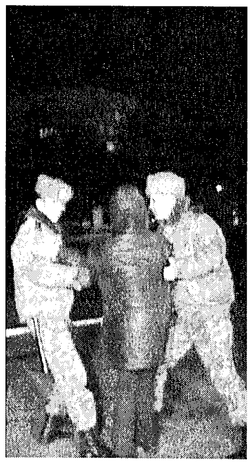
The Bulletin of the Human Rights Centre "Viasna"





Miensk, Scaryna Avenue, November 12, 2000





No Rights – No Problems...

Belarusian Authorities Still Follow This Principle though Universal Declaration of Human Rights Was Adopted More than Fifty Years Ago

When Belarusian President hears the words «human rights» he wants to cover his head with his hands, shout «I'm fed up!» and run away... Well, he has destroyed the economy, made people poor, he harshly treats opposition, he has eliminated the liberty of speech, his political opponents disappear, but what relation do these things have to human rights, if nobody observed them in Belarus before Lukashenka's rule? Neither Russian czars, nor Bolshevik dictators did that. They did the same things as Lukashenka, but nobody discussed the problem of human rights as much as now...

In the former USSR Belarus was one of the quietest Soviet Republics. Now opposition emerged even in this country. What can one do to save human rights?

There's only one «legal» way: to eliminate the rights of the citizenry. We know this way of thinking: if there's no man, there's no problem, no human rights – nothing to violate... Authorities can for instance adopt a new law that considers more than three people gathering together to be an unauthorized picket, meeting or procession... Is it a law? It is.

(continues on page 3)

Chronicle

On November 16 the administrative commission of the Svietlahorsk City Executive Committee decided to fine Alies Shavialienka, Head of the local branch of «Maladaia Hramada», and its member Andrei Ponasaw. The reason was that on October 6 A. Shavialienka and A. Ponasaw posted a number of announcements about the authorized meeting supporting the boycott of the November 8 election of the Chamber of Representatives. According to the commission, the teenagers violated the third part of Article No. 172 (distribution of printed matter with no issue information) and the third part of Article No. 143 (violations of sanitary norms) of Code for Administrative Infringements

(to be continued on p.6-7)

One More Refusal

On November 28 Miensk City Executive Committee considered the application of Human Rights Center «Viasna» concerning holding of a picket devoted to the Universal Declaration of Human Rights on December 10. The organizers planned to carry out the picket in the city center, in Mikhailaw Square, but the city authorities transferred the action to Banhalor Square. The human rights activists decided not to go there. They announced that they would find another way to celebrate December 10.

«Somebody Is Willing to Cover Criminals...»

Sensational Letter from Anonymous KGB Officer and Its Results

On November 20 HRC "Viasna" received a letter from an officer of the State Security Committee of the Republic of Belarus (KGB). This letter concerns the fate of Victar Hanchar and Dmitry Zavadskiy. Below is the text of the letter translated into English:

"I am an officer of the State Security Committee. There are many reasons why I can't tell my name and position. The information that I want to give you has public value. Fates of many people depend on how quickly it will be given publicity.

It's a pity that I can't tell as much information as I want to because only a small number of KGB investigation officers have access to it. So, if I give more exact facts, it can result in an increase of the number of victims.

General Prosecutor's office and KGB were investigating Zavadskiy's disappearance. The facts that had been found during the investigation not only resulted in pressure on the fact-finding bodies but also led to confrontation between the Presidential Security Service and KGB. We only managed to find out some facts concerning the disappearance after Ihnatovich, an ex-officer of the special police squad "Almaz", was arrested. He was arrested in connection with another criminal case. Ihnatovich was in Chechnia for several times, fought together with separatists. During the investigation he called names of the Belarusian servicemen who worked with Chechens as coaches. After these people were arrested, the Chechen version of the investigation was proved. All in all nine people were arrested in connection with Zavadskiy's disappearance. Five of them are officers of the Presidential Security Service, two are ex-employees of the same service, one is an ex-officer of the special police squad «Almaz», two are citizens of Chechnia.

During the investigation the detainees confessed that they had killed Zavadskiy and showed a place in a forest near Miensk where they had buried the body. They also showed the investigators a blood-stained spade. The legal expertise found this blood to be identical to the blood of Dmitriy Zavadskiy. But the exhumation of the body was prohibited by the Security Council and President. Instead of this, the KGB chairman Uladzimir Matskievich, Procurator General Alieh Bazhelka and Minister of the Internal Affairs Uladzimir Navumaw were called to the Presidential administration. President ordered the case to be passed over to the Ministry of the Internal Affairs because «the investigation wasn't going quickly enough». But in reality it was made in order to stop the case.

During the investigation it was also found out that the same group of people had a hand in the murder of Victar Hanchar. All in all, 14 people were involved in the murder. Five of them aren't arrested, because the detection was stopped when the case was passed to the Ministry of Internal Affairs. At that time the pressure reached its critical point. Two investigators were beaten, somebody tried to rape the wife of one of them. But they continued the crime investigation in spite of this.

I don't want the families of the murdered people to think that we are beasts as some people want to show. We sympathize with you and understand that nothing will compensate the loss. The only thing we can do is to find the criminals. And if someone wants to cover these criminals they will also be taken to court."

On November 21 at the opening of the regular session of the Chamber of Representatives A. Lukashenka again said that if the disappearance of the ORT cameraman Dmitry Zavadskiy weren't be disclosed «Prosecutors, KGB and MIA would be punished». The reason for such words was the anonymous letter from a KGB officer concerning the disappearance of Dmitry Zavadskiy, the ORT cameraman, and Victar Hanchar, Chairman of the Central Election Board (according to the letter, they were both killed).

On November 20 the anonymous letter from a KGB officer was circulated in the Belarusian mass-media and NGOs. On November 21 A. Lukashenka had to admit that some facts described in the letter were real, but it was the wrong time to give them publicity. He also said the following: «This letter is aimed at compromising the authorities. If one has some information, he mustn't speak anonymously and on behalf of the secret services». He also confirmed that the «Chechen» version of Zavadskiy's disappearance was correct.

Lukashenka emphasized that only a small part of the facts from the letter were true and proposed that the new Chamber of Representatives adopt a new law on the responsibility for dissemination of preliminary investigation and investigative versions.

On November 22 independent representatives of State bodies began to comment the anonymous letter from a «KGB officer».

«Belorusskaya Delovaya Gazeta» (BDG) published commentary released by the press-center of the State secretariat of the Security Council: «We can't dismiss this letter just because it is anonymous. We'll have to



Iury Zakharanka. Disappeared on May 8, 1999.



Victar Hanchar. Disappeared on September 16, 1999.



Anatol Krasowski. Disappeared on September 16, 1999.



Dmitriy Zavadskiy. Disappeared on July 7, 2000.

check the version described in the letter as well as all other versions.

It is also possible that the investigation will confirm some information revealed in the letter». D. Parton, spokesman for the Ministry of the Internal Affairs (MIA), said to BDG that he couldn't make any comments because this case wasn't at the MIA disposal. He also said that the accusations of the author of the letter had no ground and he was almost sure that it was a political provocation. The Presidential press-secretary M. Barysievich said that «president has recently spoken on this topic and one can hardly add anything to his words».

At the same time Paviel Sheremiet, head of the ORT department for special projects, argued that the information of the KGB officer concerning Zavadskiy's case can have real basis. According to him, in Moscow people intently watch the development of the events connected with the disappearance of Zavadskiy. The suspects on this case were detained mainly due to the intrusion of the Federal Security Service (former KGB) of the Russian Federation. Mr. Rushailo, Minister of Foreign Affairs, has helped much. Lukashenka faces real trouble. He will have to answer to serious charges. And what he says must also be serious, not like Azaronak's TV-programs. Lukashenka begins to irritate Moscow. It is ready to see other political leaders on the political field of Belarus».

Sheremet said that on November 17 Procurator General's office initiated a criminal case against him because of his film «Wild Hunt» where he accused the Belarusian authorities of arranging the disappearances of politicians and journalists. Procurator's office neither confirmed nor refuted this information.

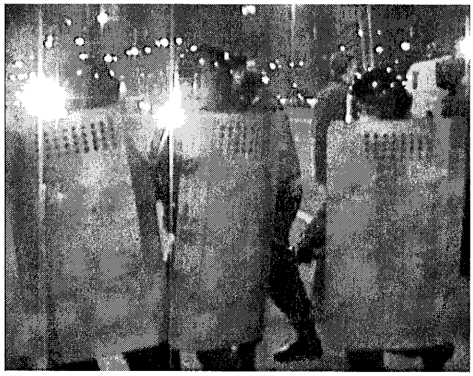
On November 27 the Presidential press-service reported that A. Lukashenka dismissed chairman of the Security Council, major-general Victar Sheiman, the KGB Chairman Uladzimir Matskievich and Procurator General Alieh Bazhelka.

According to the official version these changes were due to President's dissatisfaction with how the wide-publicized criminal cases were investigated.

NO RIGHTS – NO PROBLEMS..

(begins on page 1)

Do the authorities act lawfully? Yes, they do. What can one tell against it? They can also prohibit usage of «unregistered symbols». This decree embraces the historic white-red-white flag and the flag of the European Union. Everybody who holds such a flag can be arrested. And how many «lawful» reasons there are not to register an independent edition or prohibit its publication. Opposition protests, meetings or processions, every time are «lawfully» prohibited. Businessmen's activity is limited to the extent that they could soon disappear on the territory of Belarus.



Miensk, November 12, 2000



There's one more way: ignoring the claims of citizens. For instance, if the Belarusian intelligentsia collects signatures for the establishment of Belarusian university, let them continue, if leaders of opposition parties claim to preserve liberty of speech and give them access to the State mass-media, let them do so. If lawyers and international observers assert that the electoral law isn't democratic, let them go on. If the world doesn't acknowledge the Parliament, it shouldn't be paid much attention to because ordinary people support their president. So, we came to the main myth of Lukashenka's regime: people support the presidential politics. Do our people suffer from deviations? Monthly they receive $20 – 40 (such "big" salaries are not know to the people in the West) and still «support presidential politics» and call him «father»? Our people have the same instinct of self-preservation as others do. If one takes into account that the machine of intimidation works very well (for instance, everyone has a TV-set), everything becomes a little bit clearer. This autumn president invented one more theme: the West prepares repetition of the Yugoslavian scenario in Belarus. TV-sets show bombs falling on peaceful cities, a soft voice comments: in Belarus NATO and the «so-called opposition» will do the same... On the other hand, Lukashenka «calms people down»: in our country there are no reasons for bombings, because we have no conflicts between ethnic groups and denominations. Well, there aren't any but Lukashenka seems to be doing everything to provoke them. During his rule the authorities began to ignore the right of the national majority to education in their mother-tongue. During his rule Russian fascists strengthened their structures in Belarus, Russian Orthodox church imposed its religion as a State religion in the multi-confessional country...

On December 10 the world will celebrate the regular anniversary of the Universal Declaration of Human Rights. In previous years the Belarusian authorities carried out solemn sittings and concerts devoted to this event, wanted to show their «commitment» to democracy. This year they decided to end with games. They prohibited human rights organizations to remind the citizens about the Declaration: they prohibit pickets and other events or transfer these actions to inappropriate places... It means that the human rights activists who will come out in streets on December 10 risk to be arrested and tried... One can predict such things, because prohibitions, arrests, punishments are Lukashenka's human rights activity.

Andrei NALIVA.

OCCUPIED CHECHNIA

STORY OF CHECHEN HUMAN RIGHTS ACTIVIST

On November 15-18 in Warsaw the meeting of representatives of Central- and East-European NGOs took place. The main aim of this meeting was to work out recommendations to the International conference against racism, race discrimination, xenophobia and ensuing intolerance. In the meeting participated members of 110 NGOs. Among them was Usam Boisanov, member of Human Rights Center «Memorial» in Ingushetia. He had difficulties witg getting to the meeting, that's why he was three days late. On November 17 Usam Boisaiev gained the opportunity to speak on the situation in the Chechen Republic. Here we publish the text of his speech.

«I am a human rights activist and a journalist. Beside my being human rights activists, I'm Chechen. That's why I wish to give you the information we have collected in Chechnia, because the main part of this information doesn't get anywhere except Russia. As a result Chechens feel lost in the world. They are killed both physically and morally...

Chechens living in the regions powered by electricity watch programs of Russian TV-channels (there are no other channels there) and see lies. The Russian State mass-media create an image of enemy. And this enemy is Chechen.

In March 2000 HRC «Memorial» created in Nazran center for watching human rights violations that happen in Chechnia every minute. If possible, we try to provide the injured and children with medical treatment, render them material assistance. But our main aim is to collect information about the events going on in Chechen Republic. In August we launched a new project called «Chronicle of Crimes». We decided that we would only collect information about human rights violations in Chechnia and check it. In this chronicle we register both the violations committed by the Russian federal militaries and Chechen partisans.

Chechnia is 90 kilometers wide and 140 kilometers long. According to the latest information, about 400 000 people live on this small territory. Only in 1993 we celebrated the birth of the millionth Chechen. When compared, these figures seem very sad. According to Anatoliy Kvashnin, Chief of the Russian Army Staff, in Chechnia there are about 200 000 Russian soldiers not taking into account the people employed by the Ministry of Internal Affairs. There are also 40 000 border guards...

What is going on in the Chechen Republic now? Murders, mopping-up operations, tortures are the basic human rights violations that happen in my country. First of all – murders. Most people don't die as a result of hostilities. It happens in the following way: one is detained at a Russian post and then somebody finds his corpse. The photos you've seen (a scalped body, father identifying his son) were taken only near one settlement. The bodies were found in the mass graves on September 13, 2000. The scalped body belonged to a man Isayev by surname. He was injured during the bombings of the settlement Aslambek-Sharipovo on February 18, 2000. On that day 62 people died in this settlement. With the assistance of Russian soldiers the injured Isaiev was taken to village Staryie Otogi, where doctor Andarbiek Bakaiev gave him medical treatment. On September 7, during the so-called «cleansing operation» soldiers from regiment No. 245 pulled Isaiev out of the ward and took him away in an unknown direction. The doctor, hospital personnel and Isaiev's sister tried to prevent the soldiers but to no result. On September 13 a tractor-driver accidentally found a pit in the wind-break. The pit was covered with tree branches. People dug the pit out and found there Isaiev's body. The fingers were twisted, there were many stabs on the chest, and burns in different parts of the body, the head was scalped...

The same day people invited the commandant, representatives of the Russian Procurator's office and searched the wind-break near the village. In 400 meters from the pit where Isaiev's body had been discovered they found another pit with three more bodies. We knew that the Kuntaievs, the Abdurzakovs and the Sapdaievs had been searching for their sons who disappeared on December 20, 1999. Imram Kuntaiev's father recognized his son by a ring on his finger and clothes. The people who were found in the pit had been detained by soldiers from brigade 138.

The same day near this village people found a car with two more corpses, that were also identified...

Why do I talk about this?

"THEN WE WERE BEATEN AGAIN...»

WITNESSES OF VICTIMS OF POLICE VIOLENCE

Alieh Korban, born in 1985, speaks: «My friend Mikhas Tsarkow and me were detained on November 3 for posting fly-sheets about the action of «Young Front», called «We Need Changes!». The police took us to Miensk Partyzanski DBIA. When other policemen who were there found out for what we were detained, they started to scoff us – they hit us in our heads. Then they took us to a room for drawing protocols. In the room they told us to sit down on chairs, put our hands on our laps and not to move. A policeman came up to me and asked: «How much do they pay you?» I answered: «We are patriots, we don't need anything!» He started to beat me after each strike he asked me whether I still was a patriot.

While the policemen were composing a protocol on me, the same one put a clothespin on my nose. There were many keys on the pin, and he moved them in various directions. Another policemen who tortured Mikhas, said that he put down our addresses and said that he would catch us near our houses and kill as animals. He called us «faggots» and «fools». Then he kicked me in the head once more. A woman (the inspector on cases of under-aged persons Shmyha). The policemen continued to scoff us and said that they would accuse us of stealing a cassette-player stolen by someone else. Then the policemen kicked me in the stomach as hard as he could and told us to confess that we had taken the fly-sheets from the head-quarters of BPF «Adradzhenne». Then we were again beaten...»

Mikhas Tsarkow, born in 1986, speaks: «A policeman said: «We will take you to the room of tortures, put your fingers into the door aperture, and you'll tell us everything». Then he saw a cross on my neck and said: «So, you are also a believer? You believe in this shit?» and began to tear the cross off my neck. Another policeman came up to me and started to post a sticker on my forehead, then kicked me with his feet and asked where we had taken the fly-sheets.

The thing is that near every settlement in Chechnia, in every area we manage to search over, we find such graves. On August 8 soldiers from dklsdfksdfjk brigade No. 13 detained Balakhdzi Mamaiev and Aslan Akhmadov near the settlement where I was born. Both of them were only sons in their families. Mamaiev's mother is Russian by nationality.

On January 11, 2000 Mrs. Amiramova together with two other women went to Groznyi to look at her flat there. She was pregnant. In some months her body was found in the cell of a house. The body lied face down, when people rose it, dead child fell out of the cut stomach...

In Chechnia the militaries make unauthorized shellings of settlements. Sometimes these shellings seem absolutely senseless: why shell civilian structures? It's easy to explain: the soldiers are paid for military actions, that's why they have to stage them.

How does a "cleansing" happen? All roads are closed, helicopters fly over a settlement and often shell the purlieus of the settlement, ruin houses. After this the so-called «operation on checking of the passport regime» begins. Tanks and soldiers enter the settlements, the soldiers knock out doors with their feet, even if they are given keys. They search every house, check passports. But, as a rule, passports have no meaning to them: during the recent mopping-up operations they were throwing them away.

Relatives of those who were detained during such cleansing operations buy them out for big sums of money if the detainees stay alive. But before the relatives buy them off, the detained people are beaten and tortured (sometimes with electrically charged devices).

Electricity-based tortures are wide-spread in Chechnia now. One of them is called «a call to Moskhadov», because the charged wires are attached to an ear-lap. In the Urus-Martan filtration camp the wires are put inside the anus...

Such crimes are committed in Chechnia every day. But now, unlike during the first Chechen war, the majority of Russians think that what the federal authorities do there is right. The State mass media have to give negative information about Chechens. We have to listen to and read terrible things cooked up by the people who don't know anything about Chechnia. But Russian citizens believe this.

By the way, no bombs hurt Chechens' feeling as much as the Russian mass media do. The majority of refugees in Ingushetia don't watch news on ORT and RTR channels because they do not want to lose control of their temper, they know that there won't be anything but lies.

There's one evidence of «decency» on the part of Russian journalists: at 4 p.m. on October 15 Russian helicopter gunned the road to Shatoi and the adjoining blocks of Groznyi. There were many casualties. Among the dead was Zarema Buzuieva, a disabled woman who born in 1945. This legendary woman was the only to survive the tragedy that happened 12 years ago in the Shatoi gorge when a bus fell down from 500-meter height. She survived that time. And perished in Groznyi, in 6 Alexeev street. What was going on that day? One of the Russian TV-channels filmed imitation of a fight with Chechen partisans: Russian soldiers gunned houses... As a result they killed the famous woman. And the report about the «battle» was shown on TV...

It's an approximate picture of what is going on in Chechnia. There are no ongoing hostilities. But people perish everyday: during cleansings, detentions at block-posts, artillery shellings, due to snipers. A sniper of regiment No. 245 killed the tractor-driver Dzhimaldzinov who was going to turn his field. That's why cattlemen are afraid to leave villages.

For our Republic the present power of the militaries is occupation».

At the Warsaw meeting of NGOs of Central and Eastern Europe the following resolution on the situation in Chechnia was adopted: We state that on the territory of Chechnia the revolting mass violations of human rights and norms of the humanitarian law are going on. In particlular, the Russian federal forces use:

— groundless murders, collective punishments of the civilian population in connection with activities of armed groups;

— tortures and violent treatment of detainees, also used in the illegally created concentration camps;

— groundless detentions and seizure of ordinary citizens with an aim of receiving ransoms;

— robbing and marauding, bribery at block-posts;

— artillery shellings and bombings of settlements.

In Chechnia there are no effective means of legal defense. Hundreds of thousands of refugees are afraid of returning home and have to continue suffering because of inappropriate living conditions. We think that all these facts allow to characterize the events going on in Chechnia as a crime against humanity that is on the brink of genocide. We call governments and NGOs to pressurize the Russian Federation in order to:

— stop this criminal practice;

— make it possible for international observers and mass-media to get to the zone of the conflict;

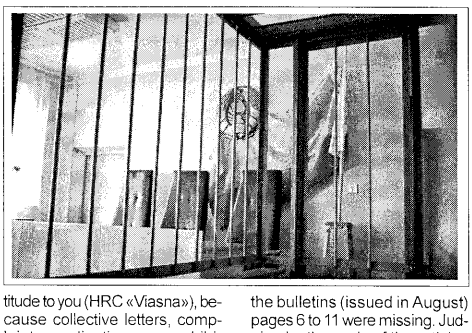
— initiate investigation of military crimes

Palina STSIEPANIENKA.

I'VE UNDERSTOOD MANY THINGS

LETTER FROM MAN WHO WENT THROUGH CONDEMNED CELL

HRC «Viasna» received a letter from a prisoner of Uzh 15/13 (t. Hlybokaie) Siarhiei Pratsiraiew who was sentenced to death in 1997. He was kept in the condemned cell for half a year. Only he managed to get out of there alive. Frame-up of the investigative materials was so evident that capital punishment was replaced with 20 years of imprisonment. I've understood many things... During short walks I try to explain to those beside me what I know myself. But even among prisoners there are hypocritical narks, who just listen to me and then inform the prison authorities. Everything is controlled there. We can't express our collective gratitude to you (HRC «Viasna»), because collective letters, complaints, applications are prohibited. Prison censors handle your bulletins. For instance, in one of the bulletins (issued in August) pages 6 to 11 were missing. Judging by the ends of the articles we understood that those pages were about riots in Soviet prison-industries camps in 1953.



In his letter S. Pratsiraiew applies to censors: «I ask all the censors who read my letter to let it through to HRC «Viasna»!». The prisoner shortly describes the conditions of life in the colony of strict regime where he is kept: «Diseases are wide-spread there, every second prisoner has a cold because there is lack of vitamins in our bodies. There's also lack of oxygen. The concentration of prisoners in the cells is abnormal».

S. Pratsiraiew thanks HRC «Viasna» personally and on behalf of many other people: «Your bulletins don't only convey the needed information, they also serve as a source of inspiration for people, return many of them to life. Even those who were disappointed and were in despair, are again ready to fight and search for justice... I believe that Belarus will achieve the level of European democracy...»

Events Facts Comments

(continued from page 1)

On November 20 Miensk Lieninzski District Court stopped administrative cases against ***U. Kishkurna, L. Sadowski*** and ***S. Mikhnow*** who had been accused of violation of Article No. 167.3 CAI (violation of electoral legislation) for having distributed the special number of the newspaper «Nasha Svaboda» on October 11. The cases were stopped because of changes in Article No. 167.3 which now provides no responsibility for boycott of elections.

On November 20 social-democrats organized three unauthorized pickets in Barysaw. The first picket was carried out before the beginning of the working day, from 7 to 8 a.m., near the check-point of the F. Dziarzhynski Crystal Factory. The slogan of the picket was: «Social-democrats know the problems of the factory workers». At 11 a.m. there was another picket at the same place. Its participants only managed to unroll their posters, then some police workers ordered them to leave the place.

For the third time the social-democrats gathered there at 3 p.m. and managed to stay there for ten minutes, after which they were again asked to leave the place. There were no detentions.

The pickets explain their attention to the workers with the spontaneous outbreak of indignation in some shops of the factory because of small salaries and suspicious commercial activity of some workers of the factory authorities.

On November 20 judge Mikalai Samiolaw carried out the second sitting concerning the case of beating of the 14-year old photo-correspondent ***Alies Lapitski*** (son of Chairman of Zhodzina branches of FBL and BPF Aliaxiei Lapitski). The youngster was beaten by a member of the pro-Presidential organization BPYU and a supporter of the Russian National Unity S. Maklak on October 8, at one of the actions within the republican «March of Freedom». The first court sitting took place on October 16, the case consideration was scheduled to take place on November 20. At the sitting the judge considered the witnesses from both sides as well as photo-materials. The police-officer Pimenaw witnessed that the defendant had fisted the photo-correspondent on the head. As a result the judge fined S. Maklak 1 minimal salary.

On November 21 in the Zhodzina town court judge Larysa Fralienkava carried out the second sitting on ***Aliaxiei Lapitski's*** complaint concerning illegal administrative warning made by the Zhodzina Town Executive Committee on October 9 for his having ostensibly violated the third part of Article No. 172 of Code of Administrative Infringements (distribution of printed matter without any issue data).

The thing is that On September 27 the police detained the under-aged Paviel Krasowski near his porch, searched him and found some stickers with appeals to boycott the election. The policemen forced the teenager to witness against Aliaxiei Lapitski who had ostensibly given him the stickers. As a result A. Lapitski was warned. As a result of evidence received from A. Lapitski and Paviel Krasowski by the policemen Dzienisiuk and Khamienkaw, the judge abolished the warning to Aliaxiei Lapitski and also directed a court ruling to the Zhodzina police and the Zhodzina Town Executive Committee concerning numerous violations the employees of these State bodies had committed.

On November 22 Uladzimir Ramanowski met with the officials of the City Board of Internal Affairs (CBIA) of the Miensk City Executive Committee (on their initiative) to give evidence on the refusal of the detention center administration where he had been kept during his 10-day arrest to let him meet with his lawyer. We should remind that on October 9 lawyer S.I. Tsurko came to his client, but the detention center administration didn't let him in, thus violating some legislative acts. HRC «Viasna» filed an application to the Miensk Procurator's office where this violation was described. The Miensk Procurator's office directed this application to the Miensk Maskowski District Procurator's office, which directed it to the CBIA Head. As a result CBIA proposed Ramanowski to give his explanations. According to Ramanowski, CBIA was ready to admit contradiction of some normative regulations to the present legislation. That's why the persons under administrative imprisonment were actually deprived of the constitutional right to legal counseling. CBIA admitted that these regulations served as a ground for denying detainees their constitutional righ CBIA representatives said that they and judicial agencies had a number of joint consultations devoted to this problem. They also prepare proposals aimed at amending the situation.



On November 26 in Slutsk (Miensk region) a meeting devoted to 80th anniversary of th Slutsk anti-Bolshevik revolt took place. Flowers were put on the place of the violent battles.





On November 23 the Harodnia Lieninski District Court finished considering the cases of the participants of the opposition protest «We Want Changes!'

1. ***Andrei Mialieshka*** (the police drew up a report for organization of the unauthorized picket in Harodnia on November 12 and participation in the unauthorized procession on October 8). Andrei Mialieshka was fined 170 minimal salaries.
2. ***Sviatlana Niekh*** (the police drew up a report for organization of the unauthorized picket in Harodnia on November 12 and the unauthorized procession on October 8). She was fined 150 minimal salaries.
3. ***Vadzim Saranchukow*** (the police drew up a report for participation in the unauthorized procession on October 8) was warned.
4. ***Andrei Mielnikaw*** (Article No. 167.1 of Code of Administrative Infringements) was fined 20 minimal salaries.
5. ***Alies Lashkowski*** (Article No. 167.1 of CAV) was fined 30 minimal salaries.
6. ***Volha Ivanova*** (Article No. 167.1 of CAV) was fined 25 minimal salaries
7. ***Ina Mialieshka*** (Article No. 167.1 of CAV) was warned.

8. ***Natallia Kaptsevich*** (Article No. 167.1 of CAV) was fined 30 minimal salaries.

9. ***Volha Filipovich*** (Article No. 167.1 of CAV) was warned.

10. ***Aliena Mashkala*** (Article No. 167.1 of CAV) was fined 20 minimal salaries.

11. ***Siarhiei Klimuk*** (Article No. 167.1 of CAV) was fined 30 minimal salaries.

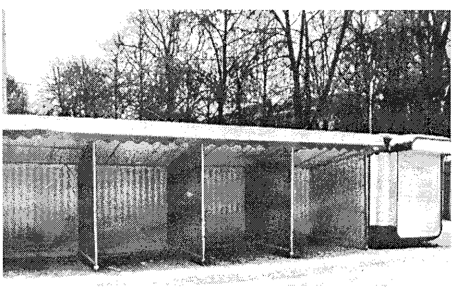
12. ***Dzianis Mikhalchyk*** (Article No. 167.1 of CAV) was fined 30 minimal salaries.

All detainees applied to the Harodnia regional branch of Human Rights Center «Viasna». Public defenders from Harodnia branch of Belarusian Helsinki Committee and advocate from HRC «Viasna» Uladzimir Kisialievich participated in consideration of the administrative cases of S. Niekh and A. Mialieshka.

On November 24 the Miensk Maskowski District Court started considering the civil case concerning protection of honor and dignity of Anatol Smalientsaw (vice-Head of the fact-finding committee at Ministry of Internal Affairs). A. Smalientsaw accused the well-known lawyer Viera Stramkowskaia and the journalist Alieh Hruzdzilovich of spreading libelous information about him. He demanded public apologies and 20 million rubles of compensation.

The information, that A. Smalientsaw considers to be offensive to his honor and dignity, was published in the newspaper «Naviny» in April 1999. Journalist A. Hruzdzilovich in his article «Where's Staravoitaw's cognac?» described some episodes of the trial over Vasil Staravoitaw, ex-Chairman of the joint company «Rassvet». For instance, he wrote that Viera Stramkowskaia had asked the court to check where 40 confiscated bottles of cognac «Biely Aist» had been kept. These bottles were taken away from Staravoitaw as evidence. According to the information Stramkowskaia had guests used cognac «Biely Aist»at Smalientsaw's birthday party. In 1999 the investigators accused Stramkowskaia of libel. A criminal case was initiated. It lasted for 9 months. Finally the 40 bottles of cognac were demonstrated in Kiraw area court. The investigator proved his innocence but there wasn't corpus delicti in the advocate's actions as well. The criminal case against Stramkowskaia was stopped. In 2000 A. Smalientsaw filed a suit.

At 10 a.m. ***on November 24*** there was appointed the third sitting of the Biarestsie Lieninski District Court on the suit of ***Ryhor Varvashevich,*** a «Kolieratron» factory worker, against the regional executive committee that has violated consumers' rights. The case was initiated in connection with an illegal eight-fold increase in payments for hot water. Uladzimir Maliei, lawyer of HRC «Viasna», represented the plaintiff in the court. About 30 people wanted to attend the trial, but not all of them were let in. Judge Sviatlana Iliushyna transferred the sitting to December 14 because H. Koziel, representative of the regional executive committee, was absent. He explained that he had been busy making inquiries about additional evidence. L.Vistunow, Acting Prosecutor of the Lieninski District, applied to the judge asking her to conduct the trial without the prosecution layer. R. Varvashevich is sure that the Procurator's office try to shun participating in the trial because they understand the illegal nature of the normative acts of the regional executive committee.



On November 23 *Belarusian tradesmen carried out a one-day warning strike. About 150 000 people took part in the action. The most active strikers were businessmen from Miensk, Homiel, Vitsiebsk, Mahiliow, Harodnia, Mazyr, Pinsk, Slutsk, Kobryn, Salihorsk and other big cities of Belarus. The tradesmen protested against enforcement of paid registration of the goods produced in the countries of the Third World and imported from Russia. If the authorities don't fulfil the strikers' claims, on January 1 there will begin an indefinite strike.*

On November 24 the Bierastsie branch of HRC «Viasna» submitted applications for five pickets to the Bierastsie City Executive Committee. The applicants intend to hold the pickets on December 10, anniversary of the Universal Declaration of Human Rights.

On November 27 Vitsiebsk Kastrychnitski District Court considered the administrative case against the BPR members ***Siarhiei Shapira, Uladzimir Patotski, Iury Mielnikaw***. They were accused of violating Article No. 167. 1 of the Code of Administrative Infringements (organization of an unauthorized picket in Freedom Square on November 12). The picket was devoted to the results of the election of the Chamber of Representatives. The judge warned all of the defendants.

On November 28 the under-aged brothers Zmitsier and Mikhail Kuzniatsows and their parents were called to the Juvenile Committee. The reason was participation in the picket «We Want Changes!» on November 12. At the committee sitting representatives of the Barysaw Town Executive Committee, social worker from the school that the brothers go to and policemen were present. The committee members expelled a representative of HRC «Viasna» Zmitsier Barodka because «he had no legal reasons for his presence» there. The Committee fined Mikhail Kuzniatsow 3000 Belarusian rubles, Zmitsier – 2000.

Situation Has Become Worse

From November 13 to November 24 hearings on execution of Convention against tortures in different countries were carried out at UN headquarters in Geneva. The Republic of Belarus submitted there the third official report that was almost four years late. The alternative report prepared by HRC «Viasna» was also directed there.

The committee pointed out that the official report contained no information concerning practical usage of the Convention, but the alternative report had many facts and the official representatives of the Republic of Belarus had to give oral explanations concerning the facts mentioned in the alternative report.

The Committee against tortures made a conclusion mentioning only five «positive points» and many more «reasons for anxiety». Among these reasons were:

1. deterioration of the situation with human rights in Belarus (...) that creates obstacles to the enforcement of the Convention;

2. absence of definition of «torture» in the Criminal Code of the Republic of Belarus (that means that torture is not perceived as a crime and is not punished);

3. numerous applications concerning usage of tortures by the country officials or with their silent agreement, in particular, to political opposition.

The Committee on tortures worked out certain recommendations to the Republic of Belarus, such as:

1. To make changes in the Criminal Code that is in effect in present;

2. to take urgent measures to create a mechanism of impartial investigation of numerous applications about inhumane treatment and punishment of the defendants;

3. to create better conditions in prisons and other penitentiary establishments;

4. to revise the existing laws with a view to provide independence of judiciary bodies and advocates fulfilling their official duties;

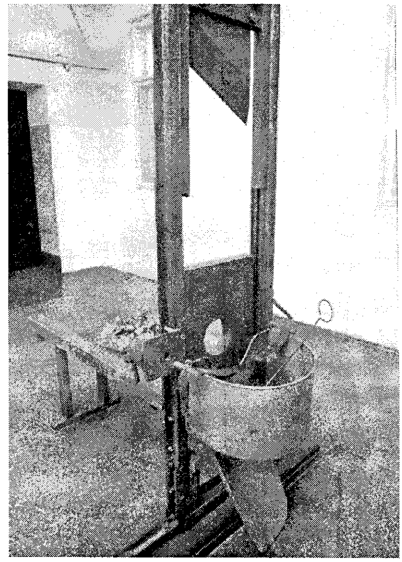
5. to create independent State and non-State national committees on human rights.

In conclusion the Committee recommended the Belarusian side to distribute the recommendations as well as a summary of the consideration of the periodical report in the country «through their publication in the State-run and independents mass media».

Information Department of HRC «Viasna».

PANKRATZ

CORRESPONDENT OF «THE RIGHT TO FREEDOM» SPEAKS ABOUT THE FAMOUS PRAGUE PRISON



The people under investigation have the right to meet with their friends and relatives, 30 minutes every three weeks. Four adults can be present at one meeting. People meet in presence of guards. The prisoners are not allowed to use a telephone. They can write letters which are censored. In the cases when a suspect can make a plot with other ones, his or her letters are submitted to the bodies of criminal investigation.

Prisoners receive the first instruction about the prison regime and rules at the reception point where every newcomer spends two or three weeks. This instruction is translated into many languages, including Russian.

At the reception point a prisoner undergoes medical examination. If nothing is found, he or she receives bedding and sanitary articles. The prisoner will have to compensate the cost of these things as well as other prison expenditures on him, including feeding and medical treatment, if s/he has no insurance (it's mainly foreigners who don't have it). Prisoners are fed three times a day, the food is delivered to cells. Healthy and sick people receive different type of food, for the sick there are 11 diets depending on the illness.

The prison has a hospital with surgical and therapy departments. If a prisoner feels bad and needs medical treatment, in the morning he tells the guards about this. In the first half of the day the guards will take him to the doctors. If a prisoner needs some special treatment, the guards may take him to an ordinary hospital. People with infectious diseases are taken to special hospitals for medical treatment. There's a department for people, ill with tuberculosis in the prison located in Western Prague. In Brno there's a special hospital where people ill with hepatitis and other infectious diseases are treated. Pankratz prisoners ill with such diseases are directed there.

We were also interested to know what punishments exist for the prisoners violating the regime? Major Shysha explained that for such violations the prisoners most often are deprived of the right to receive parcels and buy necessary things in the prison shop for one months. The second punishment is when a prisoner is taken to a single-person cell (in our country it's called penal insulator). The prison administration also has the right to fine the violator or confiscate things that belong to him or her. According to the Head of Investigative Isolator, this right is rarely exercised in practice. First of all, the court should consider and confirm such decision, and it can take much time. When a punishment is enforced, a violator can forget why he is punished. It's clear that such punishment is not effective. «A prisoner can't be deprived of food or walks» – adds our guide.

The «excursion» through the prison corridors is getting longer. Looking at his watch, Mr. Shysha informs us that we won't manage to have a look at Iulius Fuchyk's cell that was preserved in the condition of those times and won't visit the prison museum. Museum in a prison? Yes, there is one. There one can see the living conditions of those who were sentenced to capital punishment (in Pankratz such prisoners were kept till 1989) & the museum is situated in the room where capital punishment was once executed. People's heads were cut away with sekerama (Czech name for guillotine, Czech «sekera» means axe). The museum was established after the abolishment of capital punishment in Czechia. Till 1926 capital punishment was executed in Karl square of Prague, a prison yard.

Major Shysha says that during the German invasion Pankratz was a well-known Gestapo prison, because after 1939 within the limits of protectorate of Czechia and Moravia the Czech executive authorities subdued to the German occupation administration. At that time there were many capital punishments executed, especially after an attempt to assassinate Heidrikh in 1942.

In this prison there's also a monument to political prisoners that were kept there from 1943 to 1960. The Czech legislation system after war and a number of new laws created there ideal conditions for a totalitarian State to emerge. Till 1953 there were about 15 000 political prisoners. >From 1946 to 1964 1011 people were hanged, about 240 of them – for political reasons.

The last political prisoner decapitated was a peasant Iaroslav Bochan. So, as in other totalitarian countries, in Czechia capital punishment was an effective means of political repression. The monument to the political prisoners was erected due to help of Aliesh Kyr, Ph.D., – one of the strugglers against capital punishment in Czechia. Capital punishment was used for the last time in 1989 against a 36-year-old murderer. After November 17 the practice of capital punishment was discontinued, in 1990 Law No. 179 prohibited it. Now the most severe punishment in the Czech Republic is lifelong imprisonment.

It's very important for us, citizens of Belarus, to know about the positive experience of the countries who refused capital punishment. It's a pity that even now most of our compatriots live according to the laws of Babylonian czar Khamurapi: a tooth for a tooth and an eye for an eye hoping that violence of punishment will stop violence of crimes.

Parting with our group Mr. Shysha says that the prison administration approves of NGOs' attempts to support prisoners, especially those whose terms are over. He thinks that common efforts will help people not to return to a life of crime again.

Tatsiana REVIAKA.

Photo from «Patron» magazine. All the proceeds from its sale are used to support prisoners and those who are just released from prison.

Ending. The article begins in No. 18, 21 (66,69)

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